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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,422	12/12/2001	Edward O. Clapper	884.610US1	9545

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,422	CLAPPER, EDWARD O.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raymond J. Bayerl	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1 – 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Xia et al. ("Xia"; US #6,252,594 B1).

As per independent claim 1, Xia teaches a "method" comprising "displaying information in a display window of a computing device": (col. 3 lines 63-66) the window 30 shown in FIG. 2 can display a document and "indicating whether the information is scrollable by activating a human perceivable stimulus" (col. 4 lines 5-8) The scroll bar 40 is placed to the extreme right edge of the window 30 in order to improve the user's ability to easily view information in the window 30.

In Xia, "the computing device comprising at least one scroll wheel" is anticipated by the use of "wheel" components in The input/output device 16, which may include...a mouse. A conventional mechanical mouse has two internal wheels that convey the two-dimensional input motion. The "light emanating from a light source" then reads upon Xia's providing a voice or visual cue to the user that is in addition to displaying a scroll bar or other component of the GUI used in scrolling. The visual cue preferably draws the user's attention to a component of the GUI used in scrolling, such as the scroll bar or a portion of the scroll bar. (col. 5 lines 15-20). A visual cue must be presented

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using “a light” of some form, and since it is so closely connected within the cursor positioning system, it can be interpreted as being “proximate to the at least one scroll wheel”. It is “turned on if the information is scrollable”, as a cue that the document has additional content off-screen.

The “vertical scroll wheel” of claim 2 is directly shown in Xia, where the operation of fig 5A’s vertical scroll bar would require the vertical component of the mouse. A “horizontal scroll wheel” (claim 3) is also contemplated by Xia: Although not depicted, the window 30 may also include a horizontal scroll bar (col 3, lines 58 – 62). In the case as in claim 4 of there being both a “vertical” and “horizontal scroll wheel”, each would be “proximate” in terms of system linkages to the “one or both light sources” that appear on the Xia display to indicate scrollability. The “scroll wheel” in a Xia mouse is “built into the computing device” overall (claim 5), as in Xia’s fig 1.

Concerning claim 6, as noted above, Xia states “the first light source being turned on if the information is horizontally scrollable” and the “second light source being turned on if the information is vertically scrollable”, and “otherwise off”: The visual cue preferably draws the user's attention to a component of the GUI used in scrolling, such as the scroll bar or a portion of the scroll bar. (col. 5 lines 15-20) and step 106 may include temporarily providing animated arrows pointing to the scroll bar or moving the scroll bar. (col. 5 lines 20-24). The use of a visual “light source” in Xia, as by providing animated arrows dropping to the portion of the GUI components used at the status bar instead of

briefly placing the scroll bar at the center of the window. (col. 7 lines 40-45) happens responsive to whether the document is scrollable.

As per claim 7, Xia teaches that the “light source” and “control wheel” elements are elements of a pointing device—the entire scroll bar operation in Xia centers around the use of the mouse, the display of indicia via “light”, and the “wheel” components of the mouse. Thus, the “mouse”, as has been noted in Xia’s disclosure, becomes central as a “pointing device” (claim 29).

Independent claim 8 is broader than independent claim 1, in that there is no recitation of “at least one scroll wheel”—the list of input components “comprising a...pointing device” reads directly upon Xia’s use of a mouse. The mere provision of “activating a human perceivable stimulus”, as also noted above, is seen in the visual cue in Xia, made to assist when the user may not be aware of portions of the document not immediately displayed in the window 30. (col. 3 lines 63-66).

Concerning claim 9, Xia discloses that the “human perceivable stimulus” is at least one of the “group comprising a light, a sound, and a movement” by using a light-mediated visual cue. As in claim 10, this cue, such as animated arrows, is a “light emanating from a light source” (the screen), and it is “on if the information is scrollable”; “otherwise off”. In the association with the “scroll control element” that is the mouse, the “light source” is “proximate” (claim 11). Furthermore, the mouse has internal “horizontal” and “vertical scroll control wheel” components that have this proximity in the

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system to the visual cue “light source” (claim 12). These components are clearly “elements of a pointing device” that causes scrolling to occur in Xia (claim 13).

As per independent claim 14, Xia has “displaying information in a window of the display” the window 30 shown in FIG. 2 can display a document (col. 3 lines 63-66) and “indicating whether the information is scrollable by activating a human perceivable stimulus” by providing a visual cue.

Concerning claims 15, 22, 26 Xia's visual cue appears “if the information is scrollable” or in the alternative, “otherwise not turning on the light” that presents it on the display. As per claims 16, 23, 27 the “light” in Xia, in its association with the scroll mechanism, places this “light proximate to the scroll control element”. The Examiner notes that in these broader claims that only recite a “scroll control element” (and not a specific “wheel”), an interpretation may also be made that the Xia scroll bars themselves qualify as a “scroll control element”, placed in **spatial** proximity on the screen to the “light”. With there being both “horizontal” and “vertical scroll control element” components possible in Xia (claims 17, 24, 28), the “light” will appear for each case of the “information” being “scrollable”.

Regarding claim 18, Xia has an “operation of determining that a user of the computing device is focusing on a specific display window”, so as to provide the proper “stimulus” in the form of a visual cue, and thus “turning on a light”. Within the system, or in the alternative, on the screen, the “light” is “proximate to a scroll control element” (claim 19), and the “control signal” arises from “a user interface element from the group comprising...a pointing device” (claim 20).

Independent claim 21 places an indication of “whether the information is scrollable” as in claim 14 within the context of a “computer network”, with “a user interface”, “and a remote computing device”. However, Xia specifically contemplates that The window 30 may be provided by a browser that accesses and displays html documents or other information from the online service 20 (col 3, lines 24 – 28), and thus, “the computer network” will result in “executing a computer program” showing scrollability.

An “article comprising a machine-accessible medium” as in independent claim 25 is needed to operate the computer-intensive Xia notification that “the information is scrollable by activating a human perceivable stimulus”.

Applicant introduces new independent claim 30, which generally resembles the other independent claims that notify “whether the information is scrollable by activating a human perceivable stimulus”, and thus the rejection is based upon lines of reasoning similar to those developed above. In interpreting that “the human perceivable stimulus is a change in speed in a light blinking pattern from a light source”, the Examiner notes that the animated arrows of Xia, on a raster-scan device such as display 18, will cause in fact a “blinking pattern” of arrows in successive positions across the screen. This is a “change in speed” of such a pattern from when it is not present.

As also noted above, and as per claim 31, “the light source” of Xia’s animated arrows is related within the system as being “proximate to a scroll wheel” in the typical mechanical, ball-driven mouse (see also claim 32), the mouse being “built into the computing device” (claim 33).

3. Applicant's arguments filed 24 November 2004 have been fully considered but they are not persuasive.

At page 11 of the 24 November 2004 remarks, applicant argues that "Xia fails to disclose all elements recited in independent claim 1", such as that "in indicating, the human perceivable stimulus comprises a light emanating from a light source proximate to at least one scroll wheel, the light source being turned on if the information is scrollable". However, the language of claim 1, when given a reasonably broad interpretation as has been done above in the repeated rejection, has the "scroll wheel" reading upon the "wheel" components in the typical mouse as disclosed in Xia. Then, the "light source" on the display that notifies the user as to scrollability is "proximate" in the sense that it is closely coupled within the system.

Concerning claims 8, 14, 21, 25, "Applicant continues to assert their patentability over the art of record, including Xia" (remarks, page 11). However, these claims are even broader, in that only "a pointing device" (claim 8) and the rendering of "a human perceivable stimulus" (claim 14) are recited. These, besides having an interpretation reading upon the mouse "wheel" units of Xia, can also be read upon placing a visual cue such as animated arrows next to the scroll tools on the Xia screen.

As concerns new independent claim 30, applicant has a blank assertion (page 12) that "Xia fails to disclose a method in which the human perceivable stimulus is a change in speed in a light blinking pattern from a light source". However, and as has been noted above, the animated arrows in Xia, when presented on a raster scan device, will perform a "blinking" effect that has a speed different from when they are not



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presented. Thus, under the continued use of a reasonably broad interpretation, these claims are also deemed anticipated by Xia.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The additionally-cited US Patent documents (see attached form PTO-892) further relate to the presentation of stimuli in response to a region's scrollability.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application

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related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

9 March 2005